

**Response to auDA Submission by Acheeva Business Solutions Pty Ltd (Acheeva)  
"berrimaaccommodation.com.au"  
(the domain name)**

On 2 March 2016 Acheeva received an offer to purchase the domain name via a banner the parking page from Ric Mejias.

The offer was \$100 which was immediately dismissed.

On 6 March 2016 Ric Mejias registered the business name "Berrima Accommodation" and immediately forwarded an email to Acheeva demanding cancellation of the domain:

Hi Greg,

*Please confirm cancellation domain name "berrimaaccommodation.com.au" or transfer to us as owners of the ASIC Registered Name.*

*We believe this domain name is not properly registered as relevant to Acheeva and was registered for the sole purpose of reselling it which is in breach of the AUDA policies.*

*Kindly confirm you have cancelled this domain registration ownership or agree to transfer it to us as ASIC owners of the business name within 24 hours, after which time we are asking AUDA and will be asking ACMA and the Minister for Communications to assist with enforcement of the AUDA Policies to cancel this domain name and would be asking that all domains held by Acheeva be reviewed for relevance of ownership vs reselling only which is against AUDA policies.*

*Sorry to be so blunt but we own the ASIC registered name and intend to secure this domain and your recent attempts to sell it for about \$1000 have been recorded as a breach of AUDA policies in our view.*

*Regards,*

*Berrima Accommodation Berrima Hotel*

*Berrima Retreat*

*Mobile: XXXX XXX XXX*

The mail included a screenshot of the business name registration which deceptively cropped details of the date of registration .

On 7 March 2016 Acheeva the following emails were exchanged:

*Hi,*

*Unfortunately you have been misinformed as to auDA policy and/or my intentions regarding this domain name .*

*Greg*

*Hi Greg, surely the intention was to resell as we have a copy of the sale offer for this domain.*

*Regards,*

*Ric Mejias*

*Mobile: XXXX XXX XXX*

*Hi Greg, In the earlier email you can see the attachments showing you are try to resell the Domain at appear to have no close connection.*

*Happy to pay \$150 which is more than the \$22/2yrs you pay TPP.*

*Let's save the trouble of this going to TPP, AUDA, ACMA, and the Minister to investigate this and any other domains you may have no close association with and I'll buy it for \$150.*

*AUDA policy prohibits buying names for reselling and registrant must show close connection. At TPP you need to tick a warranty statement to that effect when registering.*

*10.5 In com.au and net.au, the categories of close and substantial connection are:*

*a) a product that the registrant manufactures or sells; or*

*b) a service that the registrant provides; or*

*c) an event that the registrant organises or sponsors; or*

*d) an activity that the registrant facilitates, teaches or trains; or e) a venue that the registrant operates; or*

*f) a profession that the registrant's employees practise. Regards*

*Ric Mejias*

*Mobile: XXXX XXX XXX*

*Hi Ric*

*Yes, I responded to your request to buy the domain*

*Greg*

*Acheeva Business Solutions Pty Ltd*

No further communications were received from Ric Mejias

On 15<sup>th</sup> April 2019 U received an email from TPP Wholesale:

Hi Greg,

*This is an urgent email in relation to your domain name berrimaaccommodation.com.au.*

*We have received a complaint from auDA that the registrant of the domain is not eligible to hold the domain name.*

*We are unable to determine the registrant's eligibility from the information in the .au database or via any information on the registrant's website.*

*Paragraph 2 of Schedule C of the Domain Name Eligibility and Allocation Policy Rules for the Open 2LDs (2012-04) at <http://www.auda.org.au/policies/auda-2012-04/> states that a com.au domain name must be:*

*a) an exact match, abbreviation or acronym of the registrant's name or trademark; or*

*b) otherwise closely and substantially connected to the registrant, in accordance with the categories of "close and substantial connection" set out in the Guidelines on the Interpretation of Policy Rules for the open 2LDs.*

*Under auDA policy a close and substantial connection is established where, for example, the domain name refers to a product or service that the registrant provides.*

*Please explain the registrant's close and substantial connection to the domain name.*

*You have seven (7) days to provide a response to this email.*

*Failure to do so may result in the deletion of the domain name.*

Kind Regards, Emily

The TPP Wholesale Team

In defence of TPP Wholesale the parking page was not evident on 15 April 2019 as the domain name was intended to be monetized via Hotels Combined but the zone records had not been set up correctly .

On 12 April 2019 Ric Mejias made a submission to the policy review panel enclosing the above email exchange, however the emails were not published by auDA and it is not possible to ascertain if those emails were also cropped or otherwise edited as may be expected given the deceptive behaviour of Ric Mejias .

In my view the email exchanges, submission to auDA and subsequent complaint has the following implications:

- They clearly evidence deception by Ric Mejias
- They highlight the lack of information available to would be complainants explaining the rights of existing domain name holders
- They support the case for auDA policy reform in relation to complaints, given that under the current regulations complainant can remain anonymous, are not required to evidence any adverse commercial implications for them arising from the existing registration and, despite the high prevalence of vexatious complaints, are not required to pay a fee to register a complaint (any such fee could be refundable if the complaint is successful)
- They clearly evidence that Acheeva operates its business using a commercial business model sanctioned by the existing auDA regulations

Greg  
Acheeva Domains  
22 April 2019